

Message Text

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PAGE 01 STATE 097490

14

ORIGIN EA-14

INFO OCT-01 ADP-00 L-03 SCA-01 NSCE-00 NSC-10 SS-15 SCS-03

PER-05 VO-03 M-03 RSC-01 /059 R

DRAFTED BY EA/ PRCM: RWSULLIVAN: CED

5/21/73 EXT. 20708

APPROVED BY EA: AWHUMMEL

L/ SCA - MR. MALMBORG

SCA - MR. DALE

EA - MR. SNEIDER

----- 125389

R 212348 Z MAY 73

FM SECSTATE WASHDC

TO USLO PEKING

INFO AMCONSUL HONG KONG

C O N F I D E N T I A L STATE 097490

E. O. 11652: GDS

TAGS: CGEN, CH

SUBJECT: CONSULAR SERVICES IN PRC

1. ON MAY 16 PRCM ACTING DIRECTOR SULLIVAN RAISED WITH HEAD OF PRCLO ADVANCE TEAM HAN HSU QUESTION OF WHAT CONSULAR SERVICES WE MIGHT AGREE LIAISON OFFICES SHOULD PERFORM. SULLIVAN EXPLAINED THAT IF TWO SIDES AGREED THAT LIAISON OFFICES SHOULD BE PERMITTED TO PERFORM FULL RANGE OF CONSULAR SERVICES, WE WOULD HAVE TO EXPLORE MEANS OF INSURING THAT OFFICERS PERFORMING CONSULAR WORK WERE DULY APPOINTED AND RECOGNIZED, IN ORDER TO AVOID LEGAL PROBLEMS IN US COURTS. HAN REPLIED HE WOULD CONSIDER MATTER AND CONTACT US LATER.

2. FYI: CIRCULAR AIRGRAM 6137 OF FEBRUARY 14, 1967 (COPY BEING POUCHED) CAUTIONS AGAINST PERFORMANCE OF NOTARIAL ACTS BY FOREIGN SERVICE OFFICERS AND EMPLOYEES WHO ARE NOT DULY COMMISSIONED IN A DIPLOMATIC OR CONSULAR CAPACITY. IT ADDS THAT " SHOULD NOTARIAL ACTS
CONFIDENTIAL

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PAGE 02 STATE 097490

BY SUCH OFFICERS AND EMPLOYEES BE HELD INVALID BY AMERICAN COURTS, IT IS POSSIBLE THAT THE OFFICER CONCERNED MIGHT BE HELD LIABLE UNDER HIS BOND." CA ALSO STATES THAT NOTARIAL ACTS, TO HAVE LEGAL EFFECT IN COUNTRY OF ASSIGNMENT, SHALL BE PERFORMED ONLY BY INDIVIDUALS WHO POSSESS " AN ASSIGNMENT COMMISSION AND

RECOGNITION (EITHER EXPRESS OR TACIT) IN A CONSULAR CAPACITY BY THE RECEIVING STATE." END FYI

3. BEFORE AUTHORIZING USLO PEKING TO PERFORM CONSULAR FUNCTIONS WE MUST FIRST REACH UNDERSTANDING WITH PRC ON WHAT FUNCTIONS TWO GOVERNMENTS WILL PERMIT. IF PEKING AGREES TO ALLOW US TO PERFORM FULL RANGE OF CONSULAR SERVICES, WE TENTATIVELY PLANNING TO COMMISSION BLACKBURN AND LILLEY AS CONSULS. WE WOULD THEN SUGGEST TO PRC THAT WE SEND NOTE TO MFA IN PEKING ACCREDITING THEM AS CONSULS. PRC REPLY WOULD CONSTITUTE RECOGNITION PRCLO WOULD FOLLOW SAME PROCEDURE HERE. WE WOULD THEN AUTHORIZE YOU TO PERFORM ALL CONSULAR FUNCTIONS WITH EXCEPTION OF ISSUANCE IMMIGRANT VISAS. BECAUSE OF THE LIMITED STAFF IN PEKING WE WOULD SUGGEST THAT APPLICANTS FOR IMMIGRANT VISAS BE REFERRED TO HONG KONG. REQUEST YOUR COMMENTS, INCLUDING NAMES OF OFFICERS YOU WISH TO BE COMMISSIONED AS CONSULAR OFFICERS.

4. ON TRAVEL RESTRICTIONS, SULLIVAN TOLD HAN THAT FOR THE TIME BEING IT WOULD BE SATISFACTORY IF PRCLO INFORMED US EITHER BY TELEPHONE OR NOTE WHEN MEMBER OF PRCLO INTENDED TO TRAVEL OUTSIDE WASHINGTON AREA. HAN UNDERSTANDS THIS IS TEMPORARY ARRANGEMENT AND THAT WE WILL INSTITUTE FORMAL PROCEDURES LATER. FYI: WE ARE NOW EXPLORING WITH OTHER INTERESTED AGENCIES POSSIBILITY OF INSTITUTING SIMPLE SYSTEM ALLOWING CHINESE FREE TRAVEL WITHIN 25- MILE RADIUS OF WASHINGTON. TO TRAVEL BEYOND 25- MILE RADIUS, PRCLO WOULD BE REQUIRED TO APPLY TO DEPARTMENT FOR PERMISSION 48 HOURS IN ADVANCE. DEPENDING ON TREATMENT YOU RECEIVE THERE, WE PLAN TO APPROVE SUCH REQUESTS UNLESS TRAVEL IS TO AREA GENUINELY SENSITIVE IN TERMS OF NATIONAL SECURITY. CONFIDENTIAL

CONFIDENTIAL

PAGE 03 STATE 097490

REQUEST YOU INFORM US OF PRC RESPONSE TO ANY REQUESTS YOU MAKE FOR TRAVEL OUTSIDE PEKING. END FYI RUSH

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NMAFVVZCZ

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